

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Herman Westly Rodgers, Jr.,

File No. 20-cv-306 (ECT/LIB)

Plaintiff,

v.

**ORDER**

U.S. Navy,

Defendant.

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Magistrate Judge Leo I. Brisbois issued a Report and Recommendation on September 14, 2020. ECF No. 6. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 6] is **ACCEPTED**;
2. This action is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction; and
3. Plaintiff's application to proceed *in forma pauperis* [ECF No. 4] is **DENIED AS MOOT.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: October 2, 2020

s/ Eric C. Tostrud

Eric C. Tostrud  
United States District Court